

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-218036 DATE: February 13, 1985
MATTER OF: WAECO Power, Inc.

DIGEST:

1. GAO will not consider a protest filed more than 10 working days after the basis for it is known.
2. GAO will not consider the issue of whether an offeror meets experience and management requirements included in a request for proposals, since this is not a "significant issue" within the context of an exception to the timeliness requirements of GAO Bid Protest Regulations.

WAECO Power, Inc. protests the award of a contract to Wright, Schuchart, Harbor Company and the rejection of its offer in response to request for proposals (RFP) No. JAJ-1657(B475). The solicitation was issued by J.A. Jones Construction Services Company, acting by and for the Department of Energy.

We dismiss the protest as untimely.

On December 17, 1984, J.A. Jones informed WAECO that its offer has been rejected for failure to meet experience and management requirements included in the RFP. However, WAECO did not file its bid protest with our Office until January 22, 1985.

Our Bid Protest Regulations provide that in order for protests to be considered by our Office, they must be filed within 10 working days after the basis for them is known or should have been known, whichever is earlier. See 49 Fed. Reg. 49,417 (1984) (to be codified at 4 C.F.R. § 21.2(a) (2)). Here, WAECO did not file its protest until 24 days after the basis for the protest was known.

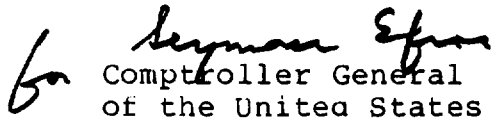
WAECO further contends that even if its protest is untimely, we should consider it under the "significant issue" exception in section 21.2(c) of our regulations. In order to invoke this exception, the subject matter of the

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protest not only must evidence a matter of widespread interest or importance to the procurement community, but also must involve a matter that has not been considered on the merits in previous decisions. Sequoia Pacific Corp., B-199583, Jan. 7, 1981, 81-1 CPD ¶ 13. We construe this exception strictly and use it sparingly to prevent our timeliness rules from being rendered meaningless. WAECO's protest does not fall within this exception, since the issue of whether an offeror meets the type of requirements involved here has been the subject of a number of decisions, for example, Johnson Controls, Inc., B-206119, Sept. 22, 1983, 83-2 CPD ¶ 358.

We dismiss the protest.


Comptroller General
of the United States